

## **Remarks**

### **I. Status of Claims**

Claims 1, 4-5, 7, 13, 15-17, and 19 are pending in the application. Claims 1 and 19 are independent. Claims 8-11, 14, and 18 are currently canceled without prejudice to and/or disclaimer of the subject matter therein. Claims 2-3, 6, and 12 were previously canceled.

Claims 8-11 and 14 stand rejected under 35 USC 103(a) as allegedly being unpatentable over Buchner et al. (DE 196 49 434 C1) ("Buchner"), in view of Muchine et al. (USP 6,558,824) ("Muchine"), in view of Yi et al. (USP 6,586,123) ("Yi"), in view of Uozumi (USP 6,709,779) ("Uozumi"), and further in view of Acker (USP 6,322,917) ("Acker").

Claims 1, 4-5, 7, 13, 15-17, and 19 are allowed.

Claim 18 is objected to as being dependent upon a rejected base claim.

The Applicant respectfully requests reconsideration of these rejections in view of the following remarks.

### **II. Allowable Subject Matter**

Claims 1, 4-5, 7, 13, 15-17 and 19 are allowed.

Claim 18 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

### **III. Applicant's Statement of Substance of Examiner Interview**

In compliance with M.P.E.P. 713.04, the Applicant provides this Statement of Substance of Interview concerning the personal interview conducted June 2, 2009 between Examiner Samuel Berhanu and Daniel Shanley.

(A) Exhibits. N/A.

(B) Claims. Claim 8.

(C) Prior art. N/A.

(D) Amendments. Discussed proposed amendments to claim 8.

(E) Principal arguments of Applicant. Muchine's purpose for vacuuming the cathode to remove water is different from the purpose of the claimed invention for vacuuming the cathode to measure an amount of cross-leak, and, thus the proposed modification is improper.

(F) Other matters. N/A.

(G) Results. The Examiner did not agree to withdraw the obviousness rejection. Agreement was reached that the Applicant would submit the proposed amendments in a response and that claim 8 would be in condition for allowance pending further search and/or consideration.

**IV. Independent Claim 8 (the only rejected independent claim)**

Claim 8, the only independent claim that is currently rejected, stands rejected under 35 USC 103(a) as allegedly being unpatentable over Buchner, in view of Muchine, in view of Yi, in view of Uozumi, and further in view of Acker.

Without waiving any argument, and in order to advance prosecution, the Applicant has canceled independent claim 8, as well as dependent claims 9-11, 14 and 18.

Therefore, the Applicant respectfully submits that this application is in condition for allowance and notice to that effect is respectfully requested.

**V. Conclusion**

In light of the above discussion, the Applicant respectfully submits that the present application is in all aspects in allowable condition, and earnestly solicits favorable reconsideration and early issuance of a Notice of Allowance.

The Examiner is invited to contact the undersigned at (202) 220-4420 to discuss any matter concerning this application. The Office is authorized to charge any fees related to this communication to Deposit Account No. 11-0600.

Respectfully submitted,

Dated: June 12, 2009

By: /Daniel G. Shanley/  
Daniel G. Shanley  
(Reg. No. 54,863)

KENYON & KENYON LLP  
1500 K Street, N.W., Suite 700  
Washington, D.C. 20005  
Telephone: (202) 220-4200  
Facsimile: (202) 220-4201